

Certificate of Mailing or Transmission

I, the undersigned, hereby certify that this correspondence along with other possible documents has been deposited with the U.S. Postal Service by express mail, postage pre-paid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and having express mail number _____, or facsimile transmitted to the U.S. Patent and Trademark Office or electronically transmitted to the USPTO through its own EFS filing system on September 16, 2009.

Typed Name: Kevin D. McCarthy
Date: September 16, 2009

Patent 0-05-165/16015/US/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Fishler
Serial no.: 10/552,377
371(c) Filing date: August 15, 2006
IA Filing date: April 8, 2004
Title: SOLID BIOCIDES FORMULATIONS
Examiner: Sarah Pihonak
Art Unit: 1617
Confirmation: 9287

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Response and Amendment

This response is in reply to the office action mailed on June 23, 2009.

Claim Amendments

1. Please amend the claims as shown on the attached marked-up pages. Claim 1 has been amended to recite the biocide concentration. Support for this amendment is found in Table 1 of the specification. In addition, claim 1 has been amended to make it clear that the product is a mixture (or blend) of the biocidal and inorganic components, and not a coated particle, wherein the inorganic components render said biocidal components less comburant, as supported in the description and in cancelled claim 23. Furthermore, claim 8 has been incorporated into claim 1 to specifically recite the inorganic components. The amendments clearly distinguish the present invention from the cited prior art.

Rejections under 35 U.S.C. § 103

2. The Examiner rejects claims 1-8 and 8-20 under 35 U.S.C. 103(a) as being unpatentable over Olson, US 4,731,195, in view of Jones et al., US 5,478,482.

3. In this respect, we would like to draw the Examiner's attention to three major inventive features of the instant product, which are definitely taught away by the cited prior art: